

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAMES TOLEDANO,
Plaintiff

v.

PRISCILLA MARCONI, et al.,
Defendants.

Case No. SACV 22-1331-MWF (BFM)

**ORDER ACCEPTING REPORT
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second Amended Complaint (“SAC”, Docket No. 82), Defendants’ Motions to Dismiss the SAC (“Motions,” Docket Nos. 83, 85), the Request for Judicial Notice (Docket No. 84), Plaintiff’s Oppositions to the Motions (Docket Nos. 88, 89), the Report and Recommendation of the United States Magistrate Judge recommending granting the Request for Judicial Notice and Motions in part (“Report,” Docket No. 92), Plaintiff’s Objections to the Report (“Objections,” Docket No. 94), Defendants’ Responses to the Objections (Docket Nos. 95, 96), and other relevant records on file.

Despite the de novo review, the Court accepts and adopts the Magistrate Judge’s detailed and thorough Report. *See United States v. Ramos*, 65 F.4th 427, 434 (9th Cir. 2023) (“the district court ha[s] no obligation to provide individualized analysis of each objection”); *Wang v. Masaitis*, 416 F.3d 992, 1000 (9th Cir. 2005)

(affirming a cursory district court order summarily adopting, without addressing any objections, a magistrate judge's report and recommendation). The Magistrate Judge correctly followed the Federal Rules of Civil Procedure and Ninth Circuit law in recommending no further leave to amend be granted and that only Defendant Lawler respond to the remaining claim in the SAC.

Accordingly, the Objections are overruled.

IT IS THEREFORE ORDERED that:

(1) The Report is **ACCEPTED** and adopted as the Court's own findings and conclusions;

(2) The Request for Judicial Notice (Docket No. 84) is **GRANTED IN PART**;

(3) County Defendants' Motion (Docket No. 83) is **GRANTED IN PART** and Private Defendants' Motion (Docket No. 85) is **GRANTED IN FULL** as follows:


(a) Count One against Defendants Priscilla Ann Marconi, Richard D. Marconi, Paul R. Roper, Anthony Rackauckas, and County of Orange is **DISMISSED** without leave to amend; and

(b) Count Two is **DISMISSED** without leave to amend;

(4) Defendant Lawler is **ORDERED** to respond to the remaining claim in the SAC no later than **NOVEMBER 25, 2024**; and

(5) The Clerk of the Court serve this Order on all counsel or parties of record.

Dated: October 28, 2024


MICHAEL W. FITZGERALD
United States District Judge